

Remarks

In the action dated March 23, 2004, 1-8, 27, 28, 32, 33, 38-40, 42, 55, 56, 58 and 59 were rejected, and claims 12-17, 25, 37, 43-46, 48-54, 57 and 60-62 were allowed.

Claims 1-8, 32-33, 39-40, 42, 55, 56 and 58 are canceled above, without prejudice, for the purpose of expediting prosecution of this application. Applicants make no admission regarding the appropriateness of the rejection(s) of such canceled claims and specifically reserves the right to argue the patentability of such claims in a later application.

Claim 27 has been amended to address various 112 issues. Such amendments are believed to overcome the 112 rejection of claims 27 and 28 and withdrawal of the rejection of claims 27 and 28 is therefore requested.

Claim 43 has been amended to properly use the terminology "locking part" throughout the claim. Such amendment does not affect the scope of claim 43 and therefore such claim is still believed allowable.

Claims 12-17, 25, 37, 43-46, 48-54, 57 and 60-62 are allowable per the indications in the action.

New claims 63-75 have been added, each of such claims being directed to a mixer for receiving a pivotable mixer bowl. None of claims 63-75 positively recites a mixer bowl. Specific comments for each independent claim are provided below.

Claim 63 is directed to a mixer including:

a mixer body having a motor for driving a downwardly extending output component;

a yoke mounted for vertical movement along the mixer body;

a pin;

an auxiliary pin, said pin and said auxiliary pin both being mounted onto said yoke, one spaced above the other such that an axis of said pin and an axis of said auxiliary pin are

generally aligned and upright to define an upright bowl pivot axis.

Based upon the allowance of claim 1 in U.S. Patent No. 6,494,610, claim 63 is believed patentable over the art of record.

Claim 65 is directed to a mixer including:

- a mixer body having a rotatable output component extending downward toward a bowl-receiving yoke, a hinge component located on said yoke and having an upright axis, a downwardly retractable bowl locking pin coupled to said yoke and spaced from the hinge component; and
- a manual bowl locking pin actuator for retracting the bowl locking pin.

Based upon the allowance of pending claim 12 of this application, claim 65 is believed patentable over the art of record.

Claim 67 is directed to a mixer including:

- a mixer body having a rotatable output component extending downward toward a bowl-receiving yoke, a hinge component located on said yoke and having an upright axis, a downwardly retractable bowl locking pin coupled to said yoke and spaced from the hinge component; and
- a switch located on said mixer body and having a bowl closed position and a bowl open position.

Based upon the allowance of pending claim 14 of this application, claim 67 is believed patentable over the art of record.

Claim 70 is directed to a mixer including:

- a mixer body having a downwardly extending rotatable output component;
- a hinge component on a movable yoke of said mixer body, the hinge component at least in part defining an upright bowl pivot axis;
- a sensor for detecting a bowl closed condition;
- a drive for raising and lowering said yoke relative to said rotatable output component; and

a control unit operatively connected with said sensor and responsively preventing said yoke from being raised by said drive in the absence of detection of said bowl closed condition.

Based upon the allowability of pending claim 27 of this application, claim 70 is believed patentable over the art of record.

Claim 73 is directed to a mixer including:

a mixer body having a downwardly extending rotatable output component;
a hinge component on said mixer body and at least in part defining an upright bowl pivot axis; and
a control unit, including an associated sensor for detecting a bowl closed condition and a bowl open condition, the control unit responsive to disable a mixer function upon detection of the bowl open condition, the control unit responsive to enable the mixer function upon detection of the bowl closed condition.

Claim 73 is believed allowable for reasons similar to claim 70.

Terminal Disclaimer

In the interest of expediting prosecution of this application, Applicants submit herewith a Terminal Disclaimer relative to U.S. Patent No. 6,494,610. In submitting this Terminal Disclaimer Applicant does not admit that any claims of this patent application are not patentable over the claims of U.S. 6,494,610. Applicant specifically reserves the right to argue that any claim of this application is patentably distinguishable over the claims of U.S. Patent No. 6,494,610, or any combination of such patent or application with any other piece of art. This reservation of Applicant's right extends to the ongoing prosecution of this application and any related applications, as well as to any other legal action relating to this application, any related application and any patents issuing from the same.

Conclusion

Based upon the foregoing, applicants submits all of claims 12-17, 25, 37, 43-46, 48-54, 57 and 60-73 are in condition for allowance, and requests that this application be passed to issue. Please contact the undersigned attorney with any questions regarding this response or application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Nieberding", written over a horizontal line.

Michael J. Nieberding
Reg. No. 39,316

THOMPSON HINE LLP
2000 Courthouse Plaza NE
10 West Second Street
Dayton, Ohio 45402-1758
Telephone (937) 443-6892
Facsimile: (937) 443-6635

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